

for Danville
MAY 07 2014

JULIA C. DUDLEY, CLERK
BY: *h dotson*
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION

JAMES T. LUTHER,)
Plaintiff,) Civil Action No. 4:13cv00072
v.)
WELLS FARGO BANK, N.A. and)
ATLANTIC LAW GROUP, LLC,) By: Michael F. Urbanski
Defendants.) United States District Judge
)

ORDER

This matter was referred to the Honorable Robert S. Ballou, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b)(1)(B), for proposed findings of fact and a recommended disposition. On April 18, 2014, the Magistrate Judge issued a report and recommendation, recommending that defendants' motion to dismiss be granted, that plaintiff's motion for summary judgment be denied as moot, and that plaintiff be given ten days to file an amended complaint to correct the insufficiencies set forth in the report. No objections to the report have been filed, and the court is of the opinion that the report and recommendation should be adopted in its entirety. It is accordingly **ORDERED** and **ADJUDGED** that:

1. The report and recommendation (Dkt. # 28) is **ADOPTED in its entirety**;
2. Defendant's motion to dismiss (Dkt. # 7) is **GRANTED**;
3. Plaintiff shall file any amended complaint correcting the deficiencies set forth in the Magistrate Judge's report within **ten (10) days** of entry of this Order. **Plaintiff is hereby notified that failure to file an amended complaint may result in the dismissal of his claims with prejudice**;
4. Plaintiff's motion for summary judgment (Dkt. # 21) is **DENIED as moot**; and

5. Plaintiff's motion to compel (Dkt. # 26) is also **DENIED as moot**.

The Clerk is directed to send a copy of this Order to the pro se plaintiff and to counsel of record.

Entered: May 7, 2014

Michael F. Urbanski

Michael F. Urbanski
United States District Judge